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Attorneys for Defendants
GENERAL ELECTRIC COMPANY, GE
HEALTHCARE, INC. and GE HEALTHCARE BIO-
SCIENCES CORP.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

PETER JAY GERBER AND MIRIAM
GOLDBERG,

Plaintiffs,

v.

BAYER CORPORATION AND BAYER
HEALTHCARE PHARMACEUTICALS,
INC.; BMC DIAGNOSTICS, INC.;
CALIFORNIA PACIFIC MEDICAL
CENTER; GENERAL ELECTRIC
COMPANY; GE HEALTHCARE, INC.;
GE HEALTHCARE BIO-SCIENCES
CORP.; McKESSON CORPORATION;
MERRY X-RAY CHEMICAL CORP.; and
DOES 1 through 35,

Defendants.

Case No. CV-07-5918 JSW

DECLARATION OF VITO PULITO

VITO PULITO, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am employed as Vice-President and Treasurer of GE Healthcare Inc. ("GEHC"), a defendant named in this action. I am over the age of 18 and competent to make this declaration. All of the facts stated in this declaration are of my own personal knowledge. As to those matters to which I do not have such knowledge, I have made

1 diligent inquiry to determine the accuracy of the statements set forth herein. I could and
2 would testify competently thereto if called as a witness in any proceeding.

3
4 2. GEHC is engaged in the business of selling, distributing and marketing, among
5 others, a gadolinium-based contrast agent, Omniscan™. Omniscan™ is used by
6 radiologists and other licensed healthcare providers in the performance of magnetic
7 resonance imaging procedures.

8
9 3. GEHC has an established chain of distribution for Omniscan™ whereby
10 licensed distribution companies such as McKesson Corporation ("McKesson") act as an
11 intermediary between GEHC and the ultimate purchasers. The role of McKesson in the
12 chain of distribution is, and has always been, to sell this product line to various imaging
13 facilities in the same packaging in which it was received from GEHC. McKesson does
14 not, and did not, design, manufacture, or administer Omniscan™. McKesson does not,
15 and did not, design, assemble or otherwise provide any of the packaging, labels or
16 warnings for Omniscan™. McKesson does not, and did not, design, test, manufacture, or
17 label Omniscan™.

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21 I declare under penalty of perjury under both the laws of the United States and the
22 State of California that the foregoing is true and correct.

23
24 Executed on December 21, 2007
25 Princeton, New Jersey



26
27 VITO PULITO
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